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7 Attorney for Javier Encinas

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9 **UNITED STATES DISTRICT COURT**  
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,  
12 Plaintiff,  
13 v.  
14 JAVIER ENCINAS,  
15 Defendant.

Case No. 2:21-cr-00263-EJY-1

**STIPULATION TO CONTINUE  
BENCH TRIAL**  
(First Request)

16  
17 IT IS HEREBY STIPULATED AND AGREED, by and between Christopher Chiou,  
18 Acting United States Attorney, and Supriya Prasad, Assistant United States Attorney, counsel  
19 for the United States of America, and Rene L. Valladares, Federal Public Defender, and  
20 Aden Kebede, Assistant Federal Public Defender, counsel for Javier Encinas, that the bench  
21 trial currently scheduled on April 14, 2022, be vacated and continued June 29, 2022.

22 This Stipulation is entered into for the following reasons:

23 1. Additional time is needed to resolve the other negotiated cases related to this  
24 case. Specifically, a supervised release revocation hearing is currently scheduled for June 7,  
25 2022 in Case No. 2:16-cr-00261-RCJ-GWF and a sentencing is currently scheduled for June  
26 22, 2022 in Case No. 2:21-cr-00262-APG-EJY.

2. Additional time is needed to confer and revise the pending plea agreement in this case.

3. Mr. Encinas is in custody and agrees with the need for the continuance.

4. The continuance is not for the purpose of delay and denial of this request would result in a miscarriage of justice.

This is the first request for a continuance of the bench trial.

DATED this 12<sup>th</sup> day of April, 2022.

RENE L. VALLADARES  
Federal Public Defender

CHRISTOPHER CHIOU  
Acting United States Attorney

*/s/ Aden Kebede*  
By \_\_\_\_\_  
ADEN KEBEDE  
Assistant Federal Public Defender

*/s/ Supriya Prasad*  
By \_\_\_\_\_  
SUPRIYA PRASAD  
Assistant United States Attorney

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAVIER ENCINAS,

Defendant.

Case No. 2:21-cr-00263-EJY-1

FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND ORDER

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Additional time is needed to resolve the other negotiated cases related to this case. Specifically, a supervised release revocation hearing is currently scheduled for June 7, 2022 in Case No. 2:16-cr-00261-RCJ-GWF and a sentencing is currently scheduled for June 22, 2022 in Case No. 2:21-cr-00262-APG-EJY.

2. Additional time is needed to confer and revise the pending plea agreement in this case.

3. Mr. Encinas is in custody and agrees with the need for the continuance.

4. The continuance is not for the purpose of delay and denial of this request would result in a miscarriage of justice.

**CONCLUSIONS OF LAW**

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when the considering the facts under Title 18, United States Code, § 316(h)(7)(B)(iv).

**ORDER**

IT IS THEREFORE ORDERED that the bench trial currently scheduled on Wednesday, April 13, 2022, at 9:00 a.m., be vacated and continued to June 29, 2022 at the hour of 1:00 p.m., in Courtroom 3A.

DATED this 12th day of April, 2022.

  
UNITED STATES MAGISTRATE JUDGE